

### REMARKS

The Office Action mailed on April 25, 2002 has been received and reviewed. Claims 1-26 are in the case. Claims 1-26 stand rejected.

Applicant fully responded to the non-final office action mailed December 17, 2001.

However, in the final office action mailed April 25, 2002, the Examiner has not responded to Applicant's arguments. The Examiner has simply resent a copy of the previous office action. Therefore, Applicant respectfully requests that the Examiner withdraw the final rejection and respond to Applicant's arguments submitted in response to the office action mailed December 17, 2001. However, in the event that this request is not accepted, Applicant believes that the Examiner's position is not sustainable and therefore, Applicant has appealed this case.

Applicant maintains that all claims are in condition for allowance and requests the immediate allowance thereof. Applicant once again reiterates that the Examiner has failed to produce a case of prima facie obviousness for the reasons provided in the previous response to office action and described hereinafter.

With respect to claim 1, significant claim elements have been disregarded. Claim 1 recites a "computer readable medium, storing instructions *executable* by a computer...coupled to the product by the label." Neither Baron, Blum, nor Alexander describe or teach this limitation. The Baron reference suggests using a "bar code" (See column 7, lines 13-15). However, the bar code is simply intended to contain information corresponding to "contact information" and a "tag identifier" (See Abstract). These are not the "executable" instructions required by claim 1 of Applicant.

Nor can Blum or Alexander be combined with Baron to produce Applicant's invention. For example, the Blum reference will not physically combine with the Baron reference. The Blum reference discloses a "data display and entry using a limited-area display panel." This is related to data entry on computers and has nothing to do with labeling a product. Applicant fails to comprehend how this can be combined with the Baron reference.

Likewise, the "compact disk" recited by Alexander in column 6, line 44 may include software. However, the "compact disk" is not "coupled to [a] product by [a] label" as required by claim 1 of Applicant. Even if the compact disk could be coupled to a product, neither the Baron nor Alexander reference contains any suggestion or motivation to do so. Therefore, the Examiner cannot in good faith assert a case of prima facie obviousness.

With respect to independent claims 11 and 18, significant claims elements have also been disregarded. The Dlugos, Sr. et al. reference (hereinafter "Dlugos") does not teach coupling a "computer-readable medium" comprising "executables" to the "packaging by [a] label," as required by claim 11 (See also claim 18). To the contrary, the "integrated circuit package label" described by Dlugos displays a "bar code," (See Abstract) not executables! Moreover, the Examiner's suggestion to combine Alexander with Dlugos to get Applicant's invention is physically impossible. Additionally, the motivation or suggestion to do so does not exist in either reference.

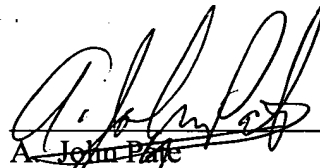
In summary, the Baron, Blum, Alexander, and Dlugos references are completely inapposite art. One need only conduct a cursory review of the titles and abstracts to quickly comprehend that the inventions are unrelated and would not be known or combined by one of ordinary skill in the art.

As briefly described hereinbefore, independent claims 1, 11, and 18, are clearly allowable in view of the art cited by the Examiner. Moreover, all dependent claims are deemed allowable for at least the reason of being dependent from allowable base and intervening claims.

In view of the foregoing, Applicant respectfully requests reconsideration of all pending claims and submits that claims 1-26 are in condition for immediate allowance. In the event the Examiner finds any remaining impediment to the prompt allowance of any of these claims which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

DATED this 25<sup>th</sup> day of September, 2002.

Respectfully submitted,



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